

REMARKS

Currently, claims 1-3 and 5-18, including independent claim 1, remain pending in the present application. For example, independent claim 1 is generally directed to a soft paper based product comprising a cellulosic fibrous material. An aqueous based softening composition is incorporated into the paper based product at an add-on level of between about 0.1% to about 10% by weight of the paper based product. The softening composition comprises a silicone glycol, a silicone quaternary ammonium compound, an emollient, and water. The silicone glycol is present in the softening composition in an amount between about 0.01% to about 20% by weight. The silicone quaternary ammonium compound is present in the softening composition in an amount between about 0.01% to about 20% by weight. The emollient is present in the softening composition in an amount between about 0.01% to about 20% by weight. The water is present in the softening composition in an amount greater than 75% by weight.

As shown above, independent claim 1 has been amended to incorporate the limitations of original claim 4, now canceled. Thus, only the rejection of original claim 4 is addressed in this response.

The Office Action rejected claim 4 (incorporated into independent claim 1) under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,552,020 issued to Smith, et al. in combination with Hsu et al. Smith, et al. is directed to tissues incorporating a combination of a silicone glycol with one or more softener/debonders, such as silicone quaternaries. Col. 1, lines 20-27. These additives are added directly to the papermaking fibers at the wet end of the tissue machine, prior to formation of the tissue web. See, Abstract.

However, as admitted by the Office Action, Smith, et al. fails to disclose or suggest several limitations of presently pending independent claim 1. For instance, Smith, et al. fails to teach an emollient present in an amount of between about 0.01% to about 20% by weight. In fact, Smith, et al. fails to teach or suggest the presence of an emollient. In order to compensate for the deficiencies of Smith, et al., the Office Action combines the teachings of Hsu, et al. Hsu, et al. teaches the addition of a lotion composition, which includes an emollient, can be applied to a paper product at an add-on level of between about 1% to about 15%. See, e.g., Abstract.

Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine the teachings of the two references. Smith, et al. teaches that the silicone glycol and silicone quaternary ammonium compounds are added to the aqueous suspension of papermaking fibers, prior to the formation of the tissue. See, e.g. Abstract and Col. 1, lines 46-67. On the other hand, Hsu, et al. teaches that the lotion composition, including an emollient, is topographically applied to the paper web, after the web is formed. In fact, Hsu, et al. only specifically discloses embodiments where the lotion composition can be applied to the web after the web has dried through printing, spraying, blade, saturant, coating, droplet throw, and foam applications. See, e.g., pg. 14, line 20 – pg. 15, line 18.

Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine the papermaking furnish additives (a silicon glycol and a silicon quaternary ammonium compound) of Smith, et al. with one or more topographical additives of Hsu, et al. No teaching or suggest exists in either reference that those ingredients can be added to a paper web in any manner other than the one disclosed.

In stark contrast, the presently pending claim 1 requires that a softening composition be incorporated into the paper-based product. The softening composition comprises a silicon glycol, a silicon quaternary ammonium compound, an emollient, and water. Neither of the cited references teach or suggest this particular combination of ingredients. Applicants respectfully submit that the modification of the cited references by the Office Action relies on the impermissible use of hindsight, which cannot be successfully used to support a *prima facie* case of obviousness.

Additionally, one of ordinary skill in the art would not be motivated to pick a particular ingredient of the topographical lotion composition (i.e., the emollient) of Hsu, et al. and combine it with the papermaking furnish additives silicon glycol and a silicon quaternary ammonium compound of Smith, et al. in order to produce the softening composition required by independent claim 1. Applicants respectfully submit that it is improper to simply pick and choose (or dismantle) just those components needed from a prior art reference to combine in a Section 103 combination.

In any event, both references fail to recognize the advantages of the present invention. Applicants respectfully point to the presently pending application to illustrate the results of the combination of a silicone glycol, a silicon quaternary ammonium compound, an emollient, and water incorporated into a paper-based product. Specifically, samples 19-22 of the Examples (base sheets treated with an aqueous-based composition including a silicone glycol, silicon quaternary ammonium compound, and an emollient) exhibited low levels of stiffness and high levels of silkiness, illustrated by improved softness over the control base sheets. Pg. 24, lines 4-9. This particular combination leads to treated paper-based products having improved softness where the

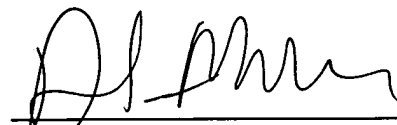
strength of the treated paper-based products has not been significantly decreased or sacrificed. Pg. 25, lines 5-9.

Applicants also respectfully submit that for at least the reasons indicated above relating to corresponding independent claims, the pending dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims certainly does not hinge on the patentability of independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

Applicants respectfully submit that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Cotton is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response. Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully requested,

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